

ASSEMBLY BILL

No. 1143

Introduced by Assembly Member Ma

February 27, 2009

An act to amend Section 307 of the Family Code, and to amend Section 103180 of the Health and Safety Code, relating to vital records.

LEGISLATIVE COUNSEL'S DIGEST

AB 1143, as introduced, Ma. License and Certificate of Non-Clergy Marriage: registration.

Existing law prescribes the requirements for registration of a marriage, including the contents of a certificate of registry of marriage. Existing law requires that each marriage performed be registered by the person performing the ceremony. Existing law creates an exemption from this requirement for members of a religious society or denomination not having clergy. Existing law requires those persons to file a License and Certificate of Non-Clergy Marriage containing specified information, and further requires that the certificate be registered with the county within 10 days of the ceremony.

This bill would extend the time by which a License and Certificate of Non-Clergy Marriage is required to be registered to 15 days following the ceremony.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 307 of the Family Code is amended to
2 read:

1 307. This division, so far as it relates to the solemnizing of
2 marriage, is not applicable to members of a particular religious
3 society or denomination not having clergy for the purpose of
4 solemnizing marriage or entering the marriage relation, if all of
5 the following requirements are met:

6 (a) The parties to the marriage sign and endorse on the form
7 prescribed by the State Department of Public Health, showing all
8 of the following:

9 (1) The fact, time, and place of entering into the marriage.

10 (2) The printed names, signatures, and mailing addresses of two
11 witnesses to the ceremony.

12 (3) The religious society or denomination of the parties to the
13 marriage, and that the marriage was entered into in accordance
14 with the rules and customs of that religious society or
15 denomination. The statement of the parties to the marriage that
16 the marriage was entered into in accordance with the rules and
17 customs of the religious society or denomination is conclusively
18 presumed to be true.

19 (b) The License and Certificate of Non-Clergy Marriage,
20 endorsed pursuant to subdivision (a), is returned to the county
21 recorder of the county in which the license was issued within ~~40~~
22 15 days after the ceremony.

23 SEC. 2. Section 103180 of the Health and Safety Code is
24 amended to read:

25 103180. (a) Sections 103150 and 103175 do not apply to
26 marriages entered into pursuant to Section 307 of the Family Code.
27 Subdivisions (b) and (c) govern the registration and the content of
28 the License and Certificate of Non-Clergy Marriage of those
29 marriages.

30 (b) Each marriage entered into pursuant to Section 307 of the
31 Family Code shall be registered by the parties entering into the
32 marriage or by a witness who signed under paragraph (2) of
33 subdivision (a) of Section 307 *of the Family Code* within ~~40~~ 15
34 days after the ceremony with the local registrar of marriages for
35 the county in which the License and Certificate of Non-Clergy
36 Marriage was issued.

37 (c) The License and Certificate of Non-Clergy Marriage entered
38 into pursuant to Section 307 of the Family Code shall contain as
39 nearly as can be ascertained the following:

1 (1) The personal data of each party married, including the date
2 of birth, full given name at birth or by court order, birthplace,
3 mailing address, names and birthplaces of each party's parents,
4 last names at birth of each party's parents, the number of previous
5 marriages, marital status, the name used prior to the intended
6 marriage by each party at the time of the marriage license
7 application, if the name is different from the name given at birth
8 or by court order, and the new name, if any, selected by each party
9 for intended use upon solemnization of the marriage.

10 (2) The license to marry.

11 (3) The county and date of issuance of the license.

12 (4) The marriage license number.

13 (5) The certification of the parties entering into the marriage,
14 that shall show the following:

15 (A) The fact, time, and place of entering into the marriage.

16 (B) The printed name, signature, and mailing address of two
17 witnesses to the marriage ceremony.

18 (C) The religious society or denomination of the parties married,
19 and that the marriage was entered into in accordance with the rules
20 and customs of that religious society or denomination.

21 (6) The signatures of the parties married.

22 (7) Any other items that the State Registrar shall designate.

23 (d) The License and Certificate of Non-Clergy Marriage shall
24 not contain any reference to the race or color of parties married or
25 to a person performing or solemnizing the marriage.